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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,389	03/06/2001	Allen B. Gruber	0001.US01.CIP	8040
27309	7590	08/08/2005	EXAMINER	
KINTERA INC. 9605 SCRANTON ROAD, SUITE 240 SAN DIEGO, CA 92121			CHENCINSKI, SIEGFRIED E	
			ART UNIT	PAPER NUMBER
			3628	
DATE MAILED: 08/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/800,389

Applicant(s)

GRUBER ET AL.

Examiner

Siegfried E. Chencinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/16/04, 1/31/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: IDS-3/6/01, 3/17/05, 4/25/05.

## DETAILED ACTION

### *Claim Objections*

1. Claims 1 and 7 are objected to because of the following informalities:

Claims 1 and 7 contain a typographical error. The phrase "with virtual plaque" does not appear to have any meaning in the context of the limitation. Claims 1 and 7 are being examined without this phrase.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1 and 7 are rejected** under 35 U.S.C. 103(a) as being disclosed by David King (Soliciting Virtual Money, Library Journal netConnect Supplement, August 10, 2000; hereafter King) in view of Rafal et al. (US Pregrant Publication 2002/0002586 A1, hereafter Rafal).

**Re. Claims 1 & 7**, King discloses a method and system for on-line, interactive fundraising for an organization over a wide area network, comprising the steps of

- hosting the organization's website including a plurality of hyperlinked web pages (p. 1, ll. 13-15, 27-30; p. 3, ll. 14-16; p. 4, l. 20);
- displaying one or more web pages with virtual plaque honoring donors (p. 3, ll. 14-16; p. 3, ll. 5-21; p. 4, l. 9);
- providing one or more donation and payment web pages (p. 1, ll. 19-20; p. 2, ll. 1-15).

King does not explicitly disclose updating virtual plaques when a donation is made. However, Rafal discloses updating of donor information ([0012] – ll. 12-13). It would

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have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the teachings of King with the teachings of Rafal to reach for enhanced online fundraising results through the providing of diverse environments for online fund-raiser success (Rafal, [0010]- ll. 5-7).

**3. Claims 2-6 and 8-12 are rejected** under 35 U.S.C. 103(a) as being unpatentable over King and Rafalas applied to claims 1 and 7 above, and further in view of LeMole et al. (US Patent 6,009,410, hereafter LeMole).

**Re. Claims 2 & 8**, neither King nor Rafal explicitly disclose a method and system of providing information about the fundraising in one or more video clips. However, LeMole discloses the providing of information on a web page through audio and/or video clips (Abstract, ll. 14-19; Col. 2, ll. 28-33). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of King, Rafal and LeMole for the purpose of presenting information about fundraising in one or more video clips motivated by the opportunity to achieve a higher probability of donation by those who see the fundraising video clip (LeMole, Col. 2, ll. 48-55).

**Re. Claims 3 & 9**, King discloses the use of web pages in fundraising campaigns (p. 2, l. 7). Neither King nor Rafal explicitly disclose a method and system of video clips which are incorporated into one or more web pages. However, LeMole discloses video clips which are incorporated into one or more web pages (Abstract, ll. 14-19; Col. 2, ll. 28-33). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of King, Rafal and LeMole for the purpose of presenting information about fundraising in one or more video clips incorporated into one or more web pages, motivated by the opportunity to achieve a higher probability of donation by those who see the fundraising video clip (LeMole, Col. 2, ll. 48-55).

**Re. Claims 4 & 10**, neither King nor Rafal explicitly disclose a method and system of video clips incorporated into a virtual plaque. However, LeMole discloses video clips which are incorporated into one or more web pages (Abstract, ll. 14-19; Col. 2, ll. 28-46). The ordinary practitioner would have found it obvious to have incorporated video

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clips into a virtual plaque as part of an interactive fundraising campaign because virtual plaques are web pages which are adapted graphically to be virtual plaques. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of King, Rafal and LeMole for the purpose of presenting information about fundraising in one or more video clips incorporated into a virtual plaque motivated by the opportunity to achieve a higher probability of donation by those who see the fundraising video clip (LeMole, Col. 2, ll. 48-55).

**Re. Claims 5 & 11**, King discloses personal donor virtual plaque donation pages (King, p. 3, ll. 16-17). Neither King nor Rafal explicitly disclose a method and system of video clips which are incorporated in a personalized donation page. However, LeMole discloses video clips which are incorporated into one or more web pages for promotion purposes (Abstract, ll. 14-19; Col. 2, ll. 28-46). The ordinary practitioner would have found it obvious to have incorporated video clips into personalized virtual plaque donation page as part of an interactive fundraising campaign. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of King, Rafal and LeMole for the purpose of presenting information about fundraising in one or more video clips incorporated into a personalized virtual plaque motivated by the opportunity to achieve a higher probability of donation by those who see the fundraising video clip (LeMole, Col. 2, ll. 48-55).

**Re. Claims 6 & 12**, neither King nor Rafal explicitly disclose the method and system step of providing information about the fundraising in one or more audio clips. However, LeMole discloses the providing of information on a web page through audio and/or video clips (Abstract, ll. 14-19; Col. 2, ll. 28-33). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of King, Rafal and LeMole for the purpose of presenting information about fundraising in one or more audio clips motivated by the opportunity to achieve a higher probability of donation by those who hear fundraising information through an audio clip (LeMole, Col. 2, ll. 48-55).

### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on (571) 272-6799.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

*Commissioner of Patents and Trademarks, Washington D.C. 20231*

or faxed to:


(703)872-9306 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

July 29, 2005

  
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